

AGRICULTURE AND LAND STEWARDSHIP DEPARTMENT[21]

Adopted and Filed

Pursuant to the authority of Iowa Code sections 203.2 and 203D.4(4), the Department of Agriculture and Land Stewardship hereby amends Chapter 92, "Participation in Grain Indemnity Fund," Iowa Administrative Code.

The amendments change the definition of purchased grain used for the assessment of fees paid into the Iowa grain depositors and sellers indemnity fund. Two new exemptions are added to clarify that the cancellation of collateral warehouse receipts and intracompany location transfers are not counted as purchases. Also, all exemptions to purchased grain will be applied uniformly to both the participation fees paid by grain dealers and the per-bushel fees paid by grain sellers.

Notice of Intended Action was published in the Iowa Administrative Bulletin as **ARC 2042C** on June 24, 2015. No comments were received from the public. The adopted amendments are identical to those published under Notice.

After analysis and review of this rule making, no adverse impact on jobs has been found.

These amendments are intended to implement 2015 Iowa Acts, House File 634, sections 12 to 15.

These amendments will become effective September 23, 2015.

The following amendments are adopted.

ITEM 1. Adopt the following **new** paragraphs **92.2(1)"d"** and **"e"**:

d. Grain entered in the company-owned paid position as a cancellation of a collateral warehouse receipt.

e. Grain entered in the company-owned paid position as an intracompany location transfer.

ITEM 2. Amend paragraph **92.2(2)"a"** as follows:

a. For grain dealers, a participation fee of fourteen thousandths of a cent per bushel on all purchased grain entered into the company-owned paid position during the grain dealer's last fiscal year. However, a grain dealer shall pay a minimum participation fee of \$50. ~~Redemptions of collateral warehouse receipts entered into the company-owned paid position shall not be considered as a purchase.~~ If the grain dealer provides documentation satisfactory to the department, the following transactions shall be excluded from the participation fee:

(1) Grain purchased from the United States government or any of its subdivisions or agencies.

(2) Grain purchased from a person licensed as a grain dealer in any jurisdiction.

(3) Grain purchased under a credit-sale contract.

(4) Grain entered in the company-owned paid position as a cancellation of a collateral warehouse receipt.

(5) Grain entered in the company-owned paid position as an intracompany location transfer.

[Filed 7/30/15, effective 9/23/15]

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EDITOR'S NOTE: For replacement pages for IAC, see IAC Supplement 8/19/15.